

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No: 1:08-CR-249

v.

HON. ROBERT HOLMES BELL

JOSE OSCAR BLANCO-NAVAR,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court on an order of remand from the Sixth Circuit Court of Appeals directing the Court to reconsider Defendant's notice of appeal as a motion to reopen the time to file an appeal under Rule 4(a)(6) of the Federal Rules of Appellate Procedure. (Dkt. No. 28.) By order dated July 13, 2010, this Court afforded Defendant the opportunity to file a brief in support of the motion and afforded the government an opportunity to respond. (Dkt. No. 29.) The Sixth Circuit's order clearly construes Defendant's notice as a motion to reopen the time to file an appeal of the October 26, 2009, order denying Defendant's motion for copies of documents without fees, but neither party's

brief directly addresses this issue.¹

Given the procedural complexities of the manner in which this motion came before the Court, the possible ambiguity of the Court's July 13, 2010, order, and the confusion of both parties, the Court will allow each party to file a new brief if they elect to do so.

Accordingly,

IT IS HEREBY ORDERED that Defendant shall have fourteen (14) days from the entry of this order to file a brief in support of his motion to reopen the time to file an appeal of the October 26, 2009, order. Defendant's brief shall not exceed seven (7) pages.

IT IS FURTHER ORDERED that the government shall have fourteen (14) days from the filing of Defendant's brief to file a response to Defendant's motion to reopen. If Defendant does not file a brief in support of his motion to reopen within the required time frame, the government shall have twenty-eight (28) days from the entry of this order to file a response in opposition to Defendant's motion to reopen. The government's brief shall not exceed seven (7) pages.

Dated: September 8, 2010

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE

¹It appears that Defendant wrote a brief in support of an appeal of his conviction, whereas the government wrote a brief in opposition to the reopening of time for Defendant to appeal his conviction.